

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:10-CV-422-FL

UNITED STATES OF AMERICA,
for the use of STARK TRUSS
COMPANY, INC.,

Plaintiff,

v.

GATEWAY PANEL, INC., et al.,

Defendants.

**ORDER DENYING
ENTRY OF DEFAULT**

On February 8, 2011, plaintiff filed a motion for entry of default under Rule 55(a) of the Federal Rules of Civil Procedure against defendant Jerry Schierding ("Schierding") [D.E. 28]. According to plaintiff, the St. Charles, Missouri Sheriff's Department personally served Schierding with the summons and complaint on January 11, 2011. Plaintiff asks the clerk to enter default because Schierding has failed to appear, plead, or otherwise defend this action.

Rule 55(a) does not excuse the requirement for service. See Fed. R. Civ. P. 55(a). Plaintiff failed to file its motion for entry of default with a certificate of service. Moreover, plaintiff's motion and supporting documents fail to show that this court has jurisdiction over Schierding. For these reasons, plaintiff's motion for entry of default is denied without prejudice [D.E. 28].

SO ORDERED. This 22nd day of February 2011.


Dennis P. Iavarone, Clerk of Court